

REMARKS

Claims 1-41 are pending in the application.

Claims 1-41 stand rejected.

Rejection of Claims Under 35 U.S.C. §103

Claims 1-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable U.S. Patent 6,704,409, issued to Dilip, et al. ("Dilip") in view of U.S. Patent 6,771,765, issued to Crowther, et al. ("Crowther"). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Claims 1, 13 and 23: Applicants respectfully submit that neither Dilip nor Crowther, alone or in combination, teach all of the limitations of independent Claims 1, 13 and 23. Each of the independent claims contains a limitation of substantially the following form: "forming a list of agent data, wherein the agent data comprises authorization information, wherein the authorization information is configured to indicate which of a plurality of types of communication media an agent is authorized to access." *See, e.g.*, Claim 1. The Office Action cites to sections of Dilip as purportedly disclosing the claimed list of agent data, but Applicants respectfully submit that there is no disclosure of such a list of agent data.

The cited sections of Dilip disclose grouping agents based on “expertise, company department, or type of support provided (e.g., sales or technical support).” Dilip 6:1-3. No mention is made of grouping agents based on “types of communication media” that they are authorized to access, as claimed. In fact, Dilip’s disclosed purpose is not to limit agents based on types of communication media, but “to provide an automated system that is capable of controlling both real-time transactions and non-real-time transactions, and capable of providing the highest priority transaction to an available agent.” Dilip 2:18-21. This stated purpose is reinforced by a passage cited in the Office Action, wherein “[t]he agent receives the highest priority transaction each time the agent becomes available (i.e., logs into the system or completes the previous transaction), regardless of the transaction type. Agents are able to receive different types of transactions without changing groups or logging into a different transaction processing system.” Dilip 7:45-51 (emphasis added). Contrary to the proposition stated by the Office Action, this cited section provides no disclosure of authorization information related to which of a plurality of types of communication media an agent is authorized to access; rather, this section emphasizes that agents receive transactions from a variety of sources.

Dilip’s disclosed purpose is further reinforced by Dilip basing the agent-call differentiation upon the content or the priority of the call, and not the receiving communication media. *See, e.g.*, Dilip 8:35-42; Dilip 11:34-36. Dilip’s Figure 7 also illustrates a procedure for handling an available agent. *See* Dilip Fig. 7; Dilip 13:27-28. This procedure describes transaction distribution based upon priority and not the type of communication media. Dilip 13:34-38 (“If a transaction queue contains one or more transactions...the procedure selects the highest priority transaction and provides the transaction to the available agent.”).

In the Office Action, the Examiner appears to be taking official notice of “the nature of a customer service center” by the following statement:

Furthermore, in this customer service center, agents grouped together based on type of devices the agents may utilize as necessary for load balancing. This is the obvious (if not inherent) way to operate a customer service center. This is the nature of the customer service center.

Office Action, p. 2. Applicants respectfully submit that neither Dilip nor the present application invite such official notice. Dilip does not mention load balancing based upon incoming media type. Instead, Dilip is concerned with agents receiving transactions from a plurality of sources, as discussed above. Thus, including such media-based “load balancing” as suggested by the Office Action is contrary to the stated purpose of Dilip. There is no indication within Dilip that the system would work properly or to its stated purpose if combined with media-based load balancing as suggested by the Office Action. Instead, Dilip groups agents based on expertise, not media type.

Even should the Official Notice being taken in the Office Action be appropriate, a proposition with which Applicants do not necessarily agree, there is still no “authorization information configured to indicate which of a plurality of types of communication media an agent is authorized to access.” The Office Action cites to a passage purportedly disclosing an agent logging into a system as an example of authorized access to the system. *See* Office Action, p. 3 (citing Dilip 7:42-54). Applicants respectfully submit that while logging in represents a type of authorization (e.g., to access the transaction processing system), it does not inherently provide the claimed authorization data, especially in light of a lack of disclosure within Dilip of differentiation of agents based upon media type, as well as their authorization to access various of the media.

Further, given the disjointed nature of the disclosed logging in with the other cited sections of Dilip, the Office Action gives the impression of using the claims of the present Application as a blueprint for piecing together various sections of Dilip's disclosure to arrive at the claims. Such a hindsight analysis of the disclosure of one or more references has been expressly forbidden by the courts. *See, e.g., Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1371 (Fed. Cir. 2000); *Brown & Williamson Tobacco Corp. v. Philip Morris, Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000).

Another limitation of the independent claims is "forming a list of agent data, wherein the agent data comprises...status information regarding a corresponding status of the agent for each of the types of communication media." *See, e.g., Claim 1.* The Office Action admits that Dilip does not teach forming a list of agent data wherein such data comprises the claimed status information. Instead, the Office Action relies upon Crowther to supply such disclosure. Applicants respectfully submit that Crowther does not teach this claim limitation. In fact, no list of agent data with status information is disclosed within Crowther. Instead, Crowther purportedly discloses including an agent in an "idle agent queue" for each disclosed skillset. When an agent is busy, "[t]he MQM 18 removes the agent from the idle agent queues of all skillsets of equal or lower interruptability to prevent other calls getting to the agent while the agent is busy." Crowther 7:38-41. This action is done in response to the MQM receiving an agent busy message. *See Crowther 7:30-34.* Neither this disclosure nor the other cited section of Crowther provide for a list of agent data including agent statistics. Applicants submit that Crowther merely discloses removing an agent from an idle agent queue when the agent is no longer idle.

Applicants submit that the Office Action does not establish the presence of the above quoted limitations of independent Claims 1, 13 and 23 in either Dilip or Crowther, alone or in combination. The burden is on the Examiner to support a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See* MPEP 706.02(j).

In addition, Applicants also respectfully submit that the Office Action does not satisfy the burden of factually supporting the alleged motivation to combine the two references. This duty may not be satisfied by engaging in impermissible hindsight; any conclusion of obviousness must be reached on the basis of facts gleaned from the references. This Examiner must therefore provide evidence to suggest the combination and “[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” *See In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Further, the Office Action does not establish that such a combination of the teachings of these references would meet with success, as required.

Applicants respectfully submit that the disclosure within Dilip and Crowther, especially with regard to prioritizing transactions for agents, is either duplicative or disjoint with one another. Dilip discloses a system in which transactions are assigned a priority, largely based upon the originating communication media, and then assigning transactions to available agents based upon that priority. Crowther discloses queuing incoming transactions based upon “skillsets”, wherein the queues have an assigned “interruptability level.” *See* Crowther 7:8-38. In Crowther, an agent can be interrupted from performing a response to a current transaction if a transaction becomes queued in a skillset of a higher interruptability level and if that agent is assigned to that skillset. Crowther 8:14-16.

Applicants respectfully submit that Crowther's system of interruptability levels assigned to skillsets is merely a replacement for the priority system disclosed within Dilip. It is not clear why a person of ordinary skill in the art would opt to incorporate Crowther's disclosed interruptability system in the system disclosed within Dilip, except as a replacement for Dilip's priority system. Thus lacking any perceptible benefit, there is no disclosure within either reference that combining the two prioritization schemes would successfully result in an operative system that would perform to the purposes of either Dilip or Crowther.

Given this lack of motivation to combine the references, again it appears that the Applicant's own disclosure is being used as a blueprint for combining the disclosure of the references. Using Applicant's own disclosure as blueprint for providing the motivation to combine prior art references in an obviousness determination is impermissible. *See W.L. Gore & Assoc. v. Garlock*, 721 F.2d 1540, 1552-53 (Fed. Cir. 1983) ("To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against it's teacher.").

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of independent Claims 1, 13 and 23, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner's reconsideration and withdrawal of the rejections to those claims, and an indication of allowability of same.

Claims 3, 15 and 25: These dependent claims require "a list of media routes." Applicants respectfully submit that Dilip does not provide disclosure of this claim limitation. As defined within the Specification of the present Application, a route "represents a specific way to

process a work item.” *See* Application, p. 42. Further, the dependent claims require a list of such routes. The section of Dilip cited in the Office Action provides no disclosure of a list of any kind, let alone a list of routes as that term is defined in the Application. *See* Dilip 5:45-6:28. Applicants respectfully submit that the cited disclosure relates to the following areas: separate servers for transaction processing (Dilip 5:35-44); customer communication with a server over the internet and email forwarding of transactions to agents (Dilip 5:53-6:6); and, a description of Figure 2 including a computer telephony integration server (Dilip 6:7-28). None of this disclosure relates to the claim language. Therefore, Applicants respectfully submit that neither Dilip nor Crowther, alone or in combination, render Claims 3, 15 and 25, and all claims dependent upon them, obvious and that they are in condition for allowance. Applicants therefore request the Examiner’s reconsideration and withdrawal of the rejections as to those claims.

Claims 4-6: The Office Action suggests that Dilip discloses compiling statistics for at least one of the listed items described in dependent Claims 4-6. Applicants respectfully traverse this rejection for at least the following reasons:

- Applicants respectfully submit that the Office Action makes no distinction between the claimed statistics for “the media routes,” “a communication channel,” and “the agent” in each of these dependent claims. This contrary to the clear meaning of the different claim language in the claims.
- As discussed above, the term “route” has a specific meaning within the context of the present application, which is also not met in Dilip.
- The Office Action also provides only a citation purportedly related to “compiling statistics for the (media route/communication channel/agent) including...handling time during a period.” *See* Office Action, p.4 (citing Dilip 11:58-60). The cited section provides only

for estimating time that a transaction remains in a queue. This does not disclose the claimed “compiling of statistics.”

- Claim 6, which is not dependent upon either Claims 4 or 5, does not including “handling time during a period,” and therefore the Office Action provides no support for the rejection of this claim, as required.

For at least these reasons, Applicants respectfully submit that neither Dilip nor Crowther, alone or in combination, render dependent Claims 4-6 obvious and that they are in condition for allowance. Applicants therefore request the Examiner’s reconsideration and withdrawal of the rejections to those claims.

Claims 7, 19 and 29: Dependent Claims 7, 19 and 29 require “compiling a journal for a work item....” The cited disclosure of Dilip provides the following:

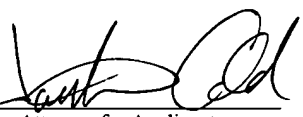
A telephone server 56 is coupled to PSTN 42, transaction controller 44 and LAN 48. Since telephone server 56 is coupled to PSTN 42, it capable of directly receiving an initiating telephone calls across PSTN 42. Other servers, including a fax server 58, a voice mail server 60, an e-mail server 62, a web server 64, and a video server 66 are also coupled to transaction controller 44 and LAN 48. These six servers 56-66 represent the six different types of transactions supported by the transaction processing environment shown in Fig. 2.

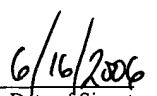
Dilip 6:49:58. Applicants respectfully that the above quoted section provides no disclosure of compilation of a journal as required by the dependent claims. For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of dependent Claims 7, 19 and 29, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner’s reconsideration and withdrawal of the rejections to those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

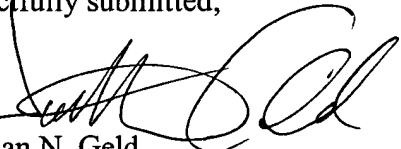
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 16, 2006.



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Date of Signature

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